

## Remarks

### **Claims Rejections under 35 USC § 102**

Claims 1, 12, 15 and 30-31 were rejected under 35 USC § 102 (b) as being anticipated by Haun et al. (U.S. Patent No. 5,162,664), hereinafter “Haun”. Claims 1 and 15 have been amended to overcome the rejection. Applicant respectfully requests reconsideration at least for the reasons as follow.

In regards to the currently amended claim 1, Haun teaches of:

- enabling the backup power source (the battery), in response the control circuit detecting a trip unit condition (loss of power) [column 2, lines 3-6];
- processing the received data provided by the trip unit in response to a trip unit (AC absence) condition [column 2, lines 7-9]; and
- disabling the battery after the data is transmitted to preserve battery power [column 4, lines 17-20]

However, Haun fails to teach at least:

- powering the apparatus from a backup power source, in response to the apparatus being in an AC absence condition;
- initiating a suspend to memory process to place the apparatus in a suspend to memory state, wherein no further activities occurs while the apparatus is in the suspend to memory state including suspension of all data transmissions; and

- after further drawing on the backup power source for a period of time while in the suspend to memory state (during which no data are transmitted), automatically shutting off the backup power source.

For at least the “underlined” reasons above, claim 1 is patentable over Haun.

Claims 12 depend and add to claim 1; thus for at least the same reasons claim 1 is patentable over Haun, claims 12 is also patentable over Haun.

With respect to amended claims 15 and 30, each includes in substance the distinguishing recitations discussed above for claim 1. Thus, for at least the same reasons, claims 15 and 30 are patentable over Haun

Claim 31 depends and add to claim 30; thus for at least the same reasons claim 30 is patentable over Haun, claims 31 are also patentable over Haun.

### **Claims Rejections under 35 USC § 103**

Claims 2 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Haun, in view of Fisher Jr. (U.S. Patent No. 6,462, 507), hereinafter “Fisher”. The deficiencies of Haun, as described above, are not overcome by the teachings of Fisher. Thus, claims 1 and 15 remain patentable over Haun, even when further in view of Fisher. Claims 2 and 16 depend and add to claims 1 and 15, respectively. Thus for at least the same reasons that claims 1 and 15 are patentable over Haun and Fisher, claims 2 and 16 are likewise patentable over these cited references.

Claims 3-6 and 18-20 were rejected under 35 USC § 103(a) as being unpatentable over Haun, in view of Fisher as applied to claim 2, and in further view of Wong et al. (U.S. Patent No. 6,509,657), hereinafter “Wong”. The deficiencies of Haun and Fisher, as described above, are not overcome by the teachings of Wong. Thus,

claims 1 and 15 remain patentable over Haun and Fisher, even when further in view of Wong. Claims 3-16 and 18-20 depend and add to claims 1 and 15 respectively. Thus for at least the same reasons that claims 1 and 15 are patentable over Haun, Fisher and Wong combined, claims 3-6 and 18-20 are likewise patentable over these same cited references.

Claims 7, 10-11, 21, 26 and 32 were rejected under 35 USC § 103(a) as being unpatentable over Haun, in view of Sanderford Jr. (U.S. Patent No. 4, 684,945), hereinafter "Sanderford". The deficiencies of Haun, as described above, are not overcome by the teachings of Sanderford. Thus, claims 1, 15 and 30 remain patentable over Haun, even when further in view of Sanderford. Claims 7, 10-11, 21, 26 and 32 depend and add to claims 1, 15, 30. Thus for at least the same reasons that claims 1, 15 and 30 are patentable over Haun and Sanderford combined, claims 7, 10-11, 21, 26 and 32 are likewise patentable over these same cited references.

Claims 9 and 22-25 were rejected under 35 USC § 103(a) as being unpatentable over Haun, in view of Sanderford as applied to claims 7 and 21, and in further view of Wong. The deficiencies of Haun and Sanderford, as described above, are not overcome by the teachings of Wong. Thus, claims 1 and 15 remain patentable over Haun and Sanderford, even when further in view of Wong. Claims 9 and 22-25 depend and add to claims 1 and 15, respectively. Thus for at least the same reasons that claims 1 and 15 are patentable over Haun, Sanderford and Wong, claims 9 and 22-25 are likewise patentable over these same cited references. .

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over Haun, in view of Brown (U.S. Patent No. 5,854,904), hereinafter "Brown". The deficiencies of Haun, as described above, are not overcome by the teachings of Brown. Thus, claim 1 remains patentable over Haun, even when further in view of Brown. Claim 13 depends and adds to claim 1. Thus for at least the same reasons that claim 1 is patentable over Haun and Brown, claim 13 is likewise patentable over the same cited references..

Claim 27 was rejected under 35 USC § 103(a) as being unpatentable over Haun as applied to claim 21, and in further view of Brown. The deficiencies of Haun, as described above, are not overcome by the teachings of Brown. Claim 15 remains patentable over Haun even in view of Brown. Claim 27 depends and adds to claim 15 through claim 21 with all their recitations. Thus for at least the same reasons that claim 15 is patentable over Haun in view of Brown, claim 27 is likewise patentable over these same cited references.

Claim 29 was rejected under 35 USC § 103(a) as being unpatentable over Haun, in view of Wong. The deficiencies of Haun, as described above, are not overcome by the teachings of Wong. Thus, claim 15 remains patentable over Haun, even when further in view of Wong. Claim 29 depends and adds to claim 15. Thus for at least the same reasons that claim 15 is patentable over Haun in view of Wong, claim 29 is likewise patentable over these same cited references.

Claims 33-38 were rejected under 35 USC § 103(a) as being unpatentable over Wong in view of Brown. Claim 33 has been amended to include the distinguishing recitations earlier described with respect to claims 1, 15 and 30. Thus, for at least the same reasons claims 1, 15 and 30 are patentable over Wong and Brown, claim 33 is also patentable over these same cited references.

Claims 34-38 depend from claim 33 incorporating its recitations. Therefore, for at least the same reasons claim 33 is patentable over Wong and Brown, claims 34-38 are patentable over these same cited references.

### **Conclusion**

In view of the foregoing, the applicant respectfully submits that claims 1-38 are in condition for allowance. Entry of the amendments and early issuance of Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,  
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